

## IN THE HOUSE OF REPRESENTATIVES

## HOUSE BILL NO. 276

## BY APPROPRIATIONS COMMITTEE

## AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE COEUR D'ALENE LAKE MANAGEMENT PLAN; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2009; DIRECTING THE DEPOSIT OF CERTAIN MONEYS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Environmental Quality the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General Fund	\$1,582,200	\$1,437,900			\$3,020,100
Air Quality Permitting Fund	194,600	190,300	\$5,200		390,100
Public Water System Supervision Fund	321,000	50,900	4,400		376,300
Water Pollution Control Fund	65,300	18,300	600		84,200
Department of Environmental Quality (Receipts) Fund	226,400	67,700	3,200		297,300
American Reinvestment Fund	24,500	142,000			166,500
Department of Environmental Quality (Federal) Fund	<u>1,899,600</u>	<u>1,684,500</u>	<u>39,000</u>		<u>3,623,100</u>
TOTAL	\$4,313,600	\$3,591,600	\$52,400		\$7,957,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
1					
2					
3					
4					
5	II. AIR QUALITY:				
6	FROM:				
7	General Fund	\$2,607,300	\$259,600		\$2,866,900
8	Air Quality Permitting				
9	Fund	1,065,700	142,700	\$40,000	1,248,400
10	Department of				
11	Environmental Quality				
12	(Receipts) Fund	179,600	173,600		353,200
13	American Reinvestment				
14	Fund	65,000	604,000		669,000
15	Department of				
16	Environmental Quality				
17	(Federal) Fund	<u>1,184,400</u>	<u>324,200</u>	<u>\$25,000</u>	<u>1,575,000</u>
18	TOTAL	\$5,102,000	\$1,504,100	\$25,000	\$6,712,500
19	III. WATER QUALITY:				
20	FROM:				
21	General Fund	\$4,866,700	\$1,026,700	\$1,094,800	\$6,988,200
22	Public Water System				
23	Supervision Fund	924,000	163,200	336,500	1,423,700
24	Water Pollution Control				
25	Fund	372,400	115,500	\$11,400	657,500
26	Department of				
27	Environmental Quality				
28	(Receipts) Fund	244,700	88,000	51,600	384,300
29	American Reinvestment				
30	Fund	30,000	71,100	69,200	170,300
31	Department of				
32	Environmental Quality				
33	(Federal) Fund	<u>3,905,900</u>	<u>1,619,500</u>	<u>2,683,200</u>	<u>8,208,600</u>
34	TOTAL	\$10,343,700	\$3,084,000	\$11,400	\$17,832,600
35	IV. COEUR D'ALENE BASIN COMMISSION:				
36	FROM:				
37	General Fund	\$95,600	\$10,200		\$105,800
38	Environmental				
39	Remediation (Basin)				
40	Fund	61,700	15,500		77,200
41	Department of				
42	Environmental Quality				
43	(Federal) Fund	<u>14,200</u>	<u>403,400</u>	<u>\$250,000</u>	<u>667,600</u>
44	TOTAL	\$171,500	\$429,100	\$250,000	\$850,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General Fund	\$2,327,200	\$112,700		\$134,600	\$2,574,500
Environmental Remediation (Box) Fund	25,600	76,500		25,500	127,600
Environmental Remediation (Basin) Fund	110,700	841,600			952,300
Department of Environmental Quality (Receipts) Fund	336,800	439,600		51,800	828,200
American Reinvestment Fund	380,000	11,192,000			11,572,000
Bunker Hill Trust Fund		50,000		250,000	300,000
Department of Environmental Quality (Federal) Fund	<u>3,094,900</u>	<u>16,753,400</u>		<u>15,500</u>	<u>19,863,800</u>
TOTAL	\$6,275,200	\$29,465,800		\$477,400	\$36,218,400
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General Fund	\$96,200	\$8,700			\$104,900
Department of Environmental Quality (Federal) Fund	<u>837,200</u>	<u>318,800</u>		<u>\$596,900</u>	<u>1,752,900</u>
TOTAL	\$933,400	\$327,500		\$596,900	\$1,857,800
GRAND TOTAL	\$27,139,400	\$38,402,100	\$88,800	\$5,799,200	\$71,429,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-two and five hundredths (382.05) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Notwithstanding the provisions of Section 39-3630, Idaho Code, the State Controller is hereby directed to transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund for the period July 1, 2009, through June 30, 2010.

1       SECTION 4. It is legislative intent that moneys deposited into the Environmental Reme-  
2 diation (Basin) Fund are to be used for remediation of the Coeur d'Alene Basin in accordance  
3 with the Superfund contract with the Environmental Protection Agency. The Department of  
4 Environmental Quality shall file an annual report each year with the Governor, the Legislature,  
5 and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remedia-  
6 tion progress and the expenditures involved.

7       SECTION 5. It is legislative intent that the appropriation of moneys from the Water  
8 Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630,  
9 Idaho Code.

10       SECTION 6. LAKE MANAGEMENT PLAN. The water quality of Lake Coeur d'Alene  
11 is crucial to the economy of the state of Idaho. It is legislative intent that the Department of  
12 Environmental Quality work with Panhandle Area Council, Inc. to pursue grants with the U.S.  
13 Economic Development Administration to support Idaho's participation in the Coeur d'Alene  
14 Lake Management Plan.

15       SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the  
16 extent possible, our capable, quality employees who support the essential services and statuto-  
17 rily authorized programs that the citizens of Idaho expect. The Legislature finds these critical  
18 essential services to be those that maintain the health and safety of our citizens and the ed-  
19 ucation of our children. While extending flexibility to the Governor and agency directors to  
20 manage the state workforce to the best of their ability during these difficult times, it remains the  
21 responsibility of the Legislature to identify priorities for the state workforce. The Legislature  
22 finds that reductions in personnel funding shall first be managed through salary reductions that  
23 impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly,  
24 by using savings created by keeping newly vacated positions unfilled; fourth, by the use of fur-  
25 loughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature  
26 that these policies shall be adhered to by the executive, legislative, and judicial branches to the  
27 extent allowed by law.

28       SECTION 8. SALARY REDUCTION. In as much as salary reductions will save jobs;  
29 and in as much as a five percent (5%) reduction in personnel funding may create a reduction  
30 in force; and in as much as the state as a single employer of multiple departments and agen-  
31 cies is required by law to direct across the board salary adjustments; agencies and institutions  
32 shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by  
33 three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010.  
34 Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the  
35 remaining two percent (2%) in funding reductions. The Division of Human Resources shall  
36 adjust all pay schedules for the classified personnel system downward to the extent that all  
37 beginning minimum salaries are three percent (3%) less than those in effect upon the date of  
38 passage of this law.

39       SECTION 9. In addition to the appropriation made in Section 1, Chapter 284, Laws of  
40 2008, there is hereby appropriated to the Department of Environmental Quality the following  
41 amount to be expended for the designated programs according to the designated expense classes  
42 from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR	FOR	FOR	
	PERSONNEL	OPERATING	TRUSTEE AND	
	COSTS	EXPENDITURES	PAYMENTS	TOTAL
			BENEFIT	
1				
2				
3				
4				
5	I. ADMINISTRATION AND SUPPORT SERVICES:			
6	FROM:			
7	American Reinvestment			
8	Fund	\$5,400		\$5,400
9	II. WATER QUALITY:			
10	FROM:			
11	American Reinvestment			
12	Fund	3,400	500	8,600
13	III. WASTE MANAGEMENT AND REMEDIATION:			\$12,500
14	FROM:			
15	American Reinvestment			
16	Fund	<u>15,000</u>	<u>1,000,000</u>	<u>\$1,015,000</u>
17	TOTAL	\$23,800	\$1,000,500	\$8,600
				\$1,032,900

18 SECTION 10. Moneys received by the State of Idaho under Title VII of the federal  
19 American Recovery and Reinvestment Act of 2009 for capitalization grants for Clean Water  
20 State Revolving Funds, shall be deposited into the Wastewater Facility Loan Fund. Such mon-  
21 eys are perpetually appropriated pursuant to Section, 39-3631, Idaho Code.

22 Moneys received by the state of Idaho, under Title VII of the federal American Recovery  
23 and Reinvestment Act of 2009 for capitalization grants for Drinking Water State Revolving  
24 Funds, shall be deposited into the Drinking Water Loan Fund. Such moneys are perpetually  
25 appropriated pursuant to Section, 39-7604, Idaho Code.

26 SECTION 11. An emergency existing therefor, which emergency is hereby declared to  
27 exist, Sections 8, 9 and 10 of this act shall be in full force and effect on and after passage and  
28 approval.